IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 17894 of 2007(E)

PETITIONER:

P.S.SAJU, TRAINING SUPDT., GOVT.I.T.C.
(SCHEDULED CASTE DEVELOPMENT DEPARTMENT),
OCHIRA, KOLLAM DISTRICT.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:
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1. THE DIRECTOR,
SCHEDULED CASTE DEVELOPMENT DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE ADMINISTRATIVE OFFICER,
DIRECTORATE OF SCHEDULED CASTE DEVELOPMENT
DEPARTMENT, THIRUVANANTHAPURAM.

3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVT.,
DEPARTMENT OF SCHEDULED CASTE AND SCHEDULED
TRIBE DEVELOPMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

4. SHRI.S.THAMPI, TRAINING SUPDT.,
GOVT.I.T.C., VARKALA, THIRUVANANTHAPURAM
DISTRICT.

BY GOVERNMENT PLEADER SRI. P.SANTHOSHKUMAR (TR)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 17894 of 2007-E

Dated this the 19th day of June, 2007.

J U D G M E N T

The petitioner is presently working as Training Superintendent, in the Government I.T.C., at Ochira. He is a physically challenged person suffering more than 40% disability. By Ext.P1 order dated 5-6-2007, he has been transferred to Government I.T.C., Harippad. This writ petition is filed by the petitioner, challenging Ext.P1 order, on the ground that, no public interest is involved, in the transfer. It is also submitted that he is a physically handicapped person and it is difficult for him to travel. He is entitled to get protection in the matter of transfer. Ignoring the said norm, the petitioner has been shifted, it is submitted.

2. The learned Government Pleader, upon instruction, submitted that the petitioner has been in the present station, ever since he joined the department, in 1999. The 4th respondent has been working in Varkkala, for 7 years and he has been representing for transfer, to his native District of Kollam. Therefore, the petitioner was disturbed, to accommodate the said respondent. The transfer to accommodate a legitimate claimant is an action taken, in public interest. It is also

reported that the petitioner is suffering from 50% disability due to post traumatic stiffness of (Lt) hip with shortening limb.

3. Heard the learned counsel on both sides. This Court can interfere with a transfer order, if only, the same is illegal or vitiated by malafides. I find no such ground has been made out in this writ petition. The petitioner has been given a posting to a nearby station. Therefore, no serious prejudice is also caused to him. If he has completed his normal tenure, he can demur when another person is posted in his place.

If the petitioner has got any right of representation against Ext.P1, he may invoke that remedy. In that event, the competent authority will consider it, as expeditiously as possible. Subject to that right, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS